

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO FLORES-JORGE, et al.,

Defendant.

2:11-cr-048-JCM-CWH

AMENDED ORDER

Presently before the court is defendant Francisco Flores-Jorge's motion to dismiss counsel. (Doc. # 264). The motion requests that this court dismiss counsel and appoint new counsel for sentencing proceedings. The sentencing hearing is currently set for October 2, 2012, at 10:30 a.m.

Pursuant to the District of Nevada's Local Rules, "[a] party who has appeared by attorney cannot while so represented appear or act in the case." LR IA 10-6. Here, Mr. Flores-Jorge has appeared by his attorney. As such, he cannot file pro se motions; however, the circumstances surrounding Mr. Flores-Jorge's instant motion warrant an exception from this general rule.

On August 9, 2012, Mr. Flores-Jorge filed the instant motion. (Doc. # 264). Mr. Flores-Jorge represents to the court that since entering a plea of guilty, "there's no communication at all despite Mr. Flores [*sic*] attempts to contact Mr. Roske." (Doc. # 264, 2). It appears that Mr. Flores-Jorge's main contention is that Mr. Roske misinformed Mr. Flores-Jorge as to the applicable sentencing guidelines in Mr. Flores-Jorge's case. To date, neither the government nor Mr. Flores-Jorge's attorney has responded. Without more, the court cannot determine whether there has been a breakdown in communication sufficient to require substitution of new counsel. *See United States v. Nguyen*, 262 F.3d 998, 1005 (9th Cir. 2001); *see also United States v. Moore*, 159 F.3d 1154, 1159-60 (9th Cir. 1998).

Thus, the court finds this matter appropriate for an ex parte hearing.

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that Mr. Flores-Jorge's motion
2 to dismiss counsel (doc. # 264) is set for an ex parte hearing on **Thursday, September 20, 2012, at**
3 **10:30 a.m.**

4 IT IS FURTHER ORDERED that the U.S. Marshal Service shall transport Mr. Flores-Jorge
5 from his current detention facility to the Lloyd D. George U.S. Courthouse for the purposes of
6 attending this hearing.

7 DATED September 11, 2012.

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10 UNITED STATES DISTRICT JUDGE
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